

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-22538-ALTMAN/REID

DOMINIK KARNAS, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

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JOINT MOTION TO STAY CASE  
AS TO SETTLING DEFENDANT LANDON CASSILL

Plaintiffs and Settling Defendant, LANDON CASSILL (collectively, the “Settling Parties”) move to stay litigation in this action solely as to Defendant Cassill, in light of the Settling Parties’ impending class-wide settlement of claims against Mr. Cassill.

FACTUAL AND PROCEDURAL BACKGROUND

1. On June 6, 2023, this Court granted Plaintiffs’ motion for leave to amend their Amended Complaint, after which Plaintiffs filed the Second Amended Complaint (“SAC”) under seal, which was entered on the docket on June 9, 2023. [ECF No. 155].

2. Pursuant to the Court’s Order in Cases with Multiple Plaintiffs and Defendants [ECF No. 4] and the June 20, 2023 Order [ECF No. 163], the time for responsive pleadings—for all Defendants—begins to run when the last Defendant is served. Accordingly, all parties agreed that the original deadline for all Defendants to respond to the SAC was August 28, 2023.

3. On August 7, 2023, Counsel for Mr. Gronkowski and Mr. Cassill filed an appearance [ECF No. 175]. On July 7, 2023, Counsel for Mr. Oladipo filed an appearance [ECF No. 168]. Defendants Cassill, Gronkowski, and Oladipo (the “Mediating Defendants”) agreed to engage in Mediation before Judge Michael Hanzman (ret.).

4. On August 23, 2023, the Parties filed a Joint Agreed Motion to Extend the Response Deadline for All Defendants, [ECF No. 176], in which the Parties agreed that a brief 60-day extension of Defendants’ Response to the SAC was warranted in light of the upcoming mediation between

Plaintiffs and the Mediating Defendants and this Court's current order requiring a joint response to the SAC from all Defendants, [ECF No. 4].

5. On August 25, 2023, the Court entered an order granting the Joint Agreed Motion to Extend the Response Deadline for All Defendants. [ECF No. 176]. In the order, the Court adopted the following schedule:

- a. Defendants' deadline to respond to the SAC was moved to October 27, 2023.
- b. The deadline for the Moving Parties to file an amended joint scheduling report was moved to November 3, 2023.

6. After months of meeting and conferring with Defendants and third parties, Plaintiffs filed a public, preliminarily redacted version of the SAC on October 24, 2023. [ECF No. 186].

#### **SETTLEMENT WITH DEFENDANT LANDON CASSILL**

7. Plaintiffs are proud to inform the Court that Plaintiffs have reached a proposed Settlement, which if approved by the Court, will resolve all of the proposed class claims against Defendant Cassill (The "*Cassill Settlement*").

8. The Settling Parties are now in the process of preparing formal Settlement documents, including a Motion for Preliminary Approval of the Settlement Agreement that settles all issues in this action, and will result in, if finally approved, the dismissal of all claims against Defendant Cassill, and possible additional Defendants, with prejudice.

9. Plaintiffs respectfully suggest that because settlements may be reached with other Defendants in this action, it would be most efficient and economical (as done in other class cases before this Court), for the Court to conduct one hearing, by combining consideration of the proposed Settlements, in light of the significant costs of notice and administration to the proposed Class. The Settling Parties therefore respectfully request that this action be stayed as to Defendant Landon Cassill, until Plaintiffs can present to the Court and seek preliminary approval of the Class Action Settlement with Cassill along with any other settling defendants, including the plan of notice to the settlement class, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

10. It is well settled that this Court has the authority to stay proceedings to manage its docket, based upon the circumstances of a particular case, especially where the parties have reached a settlement of the matter. *See, e.g., Landis v. North Am. Water Works & Elec. Co.*, 299 U.S. 248, 254 (1936); *Republic of Venezuela v. Philip Morris Cos., Inc.*, No. 99-0586-Civ, 1999 WL 33911677, at \*1 (S.D. Fla. Apr. 28, 1999); *see also, e.g., Arkin v. Smith Med. Partners, LLC*, No. 8:19-cv-1723-T-26AEP, 2020 WL 1666158, at \*2-\*3 (M.D. Fla. April 3, 2020) (staying class action litigation pending court's evaluation

of proposed settlement to “avoid duplicative discovery efforts and related, overlapping issues” and to “allow the parties—and the Court—to focus on the propriety of the Motion for Preliminary Approval”). A class-wide settlement, if approved, will resolve all claims and issues in this action.

11. Accordingly, the Settling Parties very respectfully request that the Court enter an Order, allowing for the preliminary settlement approval process to be completed as follows:

- a. By April 5, 2024, if other Defendants have settled, Plaintiffs’ Counsel shall submit a Status Report, with a proposed schedule for filing of a Motion for Preliminary Approval which will include the pending Settlement with Defendant Cassill.
- b. If no other Defendant has settled by April 5, 2024, Plaintiffs’ Counsel shall move for preliminary approval of the pending Settlement with Mr. Cassill.

12. A proposed order accompanies this Motion as **Exhibit A**.

Dated: October 25, 2023

Respectfully submitted,

Counsel for Defendants Robert Gronkowski  
and Landon Cassill:

Counsel for Plaintiffs:

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the forgoing was filed on October 25, 2023, with the Court via CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz  
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